

Whistleblower Protection Policy

At Deaf Connect we are guided by our company values. These values are the foundation of how we conduct ourselves and interact with each other, our clients, members, suppliers and other stakeholders. Deaf Connect is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance. We recognise the value of transparency and accountability in our administrative and management practices and encourage the reporting of improper conduct. Protection of whistleblowers is integral to fostering transparency, integrity and detecting misconduct.

PURPOSE

The purpose of this document is to:

- a) encourage Whistleblowers (definition below) to report improper conduct in good faith if they know or have reasonable grounds to suspect someone has engaged in serious wrongdoing
- b) provide a process for reporting serious wrongdoing (called Reportable Conduct) within our organisation
- c) enable our organisation to deal with reports from Whistleblowers in a way that will protect their identity and provide for secure storage of the information
- d) ensure that any Reportable Conduct is identified and dealt with appropriately
- e) ensure that Whistleblowers can report wrongdoing safely, securely and with confidence that they will be protected and supported,
- f) help to ensure that our organisation maintains the highest standards of ethical behaviour and integrity.
- g) Deaf Connect requires and encourages that any occurrence or suspicion of harm and any concerns of incidents of behaviour that contradict the Code of Conduct of our organisation is reported and that the person reporting is provided Whistleblower protection.

SCOPE

This Policy applies to all current and former Board members, officers, management, all employees, consultants, volunteers and agents of Deaf Connect, and to any person or company, or supplier with a contract to deliver goods or services to or on behalf of Deaf Connect. Within this Policy, all these people are represented by the term Staff.

Any associate, family member or dependant of any person in the above groups of people may also speak up voluntarily. If they do choose to report in line with this Policy, Deaf Connect will extend to them all applicable rights and protections under this Policy.



This Policy is available on Deaf Connect’s website and in any other ways that will ensure that it is made available to persons to whom this Policy applies.

DEFINITIONS

<p>Reportable Conduct</p>	<p>Conduct by a person or persons connected with our organisation which is, or could be, regarded as any of the following:</p> <ul style="list-style-type: none"> • Dishonest • Fraudulent • Corrupt • Illegal including theft, drug sale/use, violence or threatened violence and criminal damage against property • In breach of Commonwealth or state legislation or local authority by-laws • Unethical • Other serious misconduct • Any other conduct which may cause financial or other material loss to our organisation or that may damage our organisation in any other way. <p>Reportable Conduct may also include:</p> <ul style="list-style-type: none"> • Abuse of authority • Mismanagement of funds or resources • Substantial and/or repeated breach of our policies and procedures, including unsafe work practices or behaviour that is a serious risk to the health and safety of any person in the workplace, or a serious risk to public health, safety or the environment <p>Conduct that is either known (i.e., clear evidence can be provided to show that it happened), or suspected, may be reported under this Policy. Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.</p>
<p>What is NOT Reportable Conduct?</p>	<p>While everybody is encouraged to speak up and report any concerns, not all types of conduct are intended to be covered by this Policy.</p>

	<p>This Policy does not apply to complaints from clients or personal work-related grievances (see definition below), unless the grievance includes victimisation due to whistleblowing. Those matters are dealt with under other policies and procedures.</p>
<p>Detrimental Conduct</p>	<p>Occurs when one or more persons engage in, or threaten to engage in, conduct that is intended to and does cause detriment to a Whistleblower</p> <p>Examples of a Detrimental Conduct include:</p> <p>retaliation, dismissal, suspension, demotion, or termination of the person’s role;</p> <p>bullying, harassment, victimisation, threats or intimidation;</p> <p>discrimination, subject to current or future bias, or derogatory treatment;</p> <p>harm or injury;</p> <p>damage or threats to their property, business, financial position or reputation;</p> <p>revealing their identity as a Whistleblower without their consent or contrary to law; or</p> <p>threatening to carry out any of the above actions.</p>
<p>Whistleblower (also referred to as ‘Discloser’)</p>	<p>A person who makes, or intends to make, a disclosure about Reportable Conduct in line with this Policy.</p>
<p>Personal work-related grievance</p>	<p>A grievance that relates to the Whistleblower’s current or former employment with our organisation that might affect the Whistleblower personally but do not:</p> <ul style="list-style-type: none"> • have any other significant implications for our organisation (or another entity); or • relate to any known or suspected Reportable Conduct <p>Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.</p> <p>However, personal work-related grievances may be covered by this Policy where:</p> <ul style="list-style-type: none"> • they include information about misconduct, • there is an allegation that our organisation has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or • the grievance includes Detrimental Conduct due to whistleblowing.

RESPONSIBILITIES

Person(s) Responsible	Responsibilities
All Staff	<ul style="list-style-type: none"> • Following this and associated procedures for reporting of illegal, unethical or corrupt conduct within our organisation; and • Understanding the rights of Staff and others to report their concerns about illegal, unethical or corrupt conduct in confidence and to be protected from Detrimental Conduct as a result of making such a report.
Board, CEO and Management	<ul style="list-style-type: none"> • Ensuring this Policy and associated procedures is adhered to by all staff; • Ensuring any disclosure of Reportable Conduct is investigated and, where appropriate, addressed without delay; • Ensuring that staff are aware of their rights to disclose their concerns about illegal, unethical or corrupt conduct in confidence and to be protected from Detrimental Conduct as a result of making such disclosure; • Providing adequate resources and supports to create an appropriate organisational culture in accordance with this Policy; and • Implementing regular reviews of this and associated policies and procedures to ensure compliance with any contractual agreements and governing legislation for the purposes of continuous improvement.
Whistleblower	<ul style="list-style-type: none"> • Making a report in good faith. <p><i>NB. If a report is not made in good faith, or is found to be malicious, deliberately misleading or frivolous, the person making the report may be subject to disciplinary action.</i></p>
Eligible Recipient (Person who receives a disclosure)	<ul style="list-style-type: none"> • Ensuring any disclosure of Reportable Conduct is investigated and, where appropriate, addressed without delay; • Ensuring that strict confidentiality is retained in relation to both the content of the disclosure, and the identity of any of person associated with the disclosure; and • Taking appropriate action to ensure that the health and safety of all people associated with the disclosure is maintained and ensuring that



Person(s) Responsible	Responsibilities
	any allegation of Detrimental Conduct against the Whistleblower is investigated and addressed without delay.

WHISTLEBLOWER PROCEDURES

1.0 REPORTING

If you become aware of any Reportable Conduct, you should raise the matter immediately with an Eligible Recipient below (in order):

- A member of the Executive
- the CEO (if raising the matter with a member of the Executive is not appropriate); or
- the Chair of the Board or another member of the Board of Directors (if raising the matter with the CEO is not appropriate)

If you prefer to make the report anonymously, you may email: whistleblowerprotection@deafconnect.org.au

There are other ways you can make disclosures in limited circumstances, including to a Regulator, or when making an emergency or public interest disclosure. The Regulators and other options below are also “Eligible Recipients”:

- Australian Securities and Investments Commission (ASIC) AHPRA, WHSQ, NDIS Quality and Safeguards Commission, Aged Care Quality and Safeguarding Commission etc.
- A legal practitioner
- In certain situations, the conduct or wrongdoing may be of such gravity and urgency that disclosure to the media or a parliamentarian is necessary. A public interest and emergency disclosure can only be made to:
 - A Journalist
 - Member of Commonwealth, State or Territory parliaments if appropriate

A report can be made in writing in English, in Auslan using video, in person or by telephone. The Whistleblower must first tell the eligible recipient that you want to make a report under this Whistleblower Policy. This is important to ensure your rights are protected under this Policy and procedure. You may opt to report your concerns anonymously such as by adopting a pseudonym.

Information required to make a report

To make a protected report the Whistleblower must know of or have reasonable grounds to suspect Reportable Conduct.

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that as much information as possible is provided. This includes any known details about the Reportable Conduct such as the:

- a) date
- b) time

- c) location
- d) name of person(s) involved
- e) possible witnesses to the events, and
- f) evidence of the events (e.g., documents, emails)
- g) general nature of your concern
- h) how you became aware of the issue.

The report should include any steps already taken to report the matter elsewhere or to resolve the concern.

2.0 PROTECTION FOR WHISTLEBLOWERS

If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, our organisation will support and protect you and anyone else assisting in the investigation.

Our organisation will not tolerate any form of Detrimental Conduct inflicted on Whistleblowers because they or somebody else has made, or might make, a report of Reportable Conduct.

This protection also applies to individuals conducting, assisting or participating in an investigation. They will also be entitled to the Whistleblower protection if they make a report of Reportable Conduct to an external body under this Policy and procedure.

If you believe you have suffered instances of Detrimental Conduct in violation of this Policy and any of its procedures, we encourage you to report this immediately to the Chief People and Culture Officer, another member of Executive Leadership Team, CEO, Board Chair or an external Eligible Recipient under this Policy. You may also seek legal advice. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

Anyone engaging in Detrimental Conduct towards a Whistleblower, may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.

The Whistleblower may also be entitled to the following legal protections for making a report:

- a) protection from civil, criminal or administrative legal action;
- b) protection from having to give evidence in legal proceedings; and/or
- c) compensation or other legal remedy from the person inflicting the Detrimental conduct, or from Deaf Connect.

3.0 CONFIDENTIALITY

You can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. Our organisation will do all it can to protect confidentiality.

However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. Our organisation will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your concern. You can refuse to answer questions you feel could identify yourself.

A Whistleblower may choose to report their concerns anonymously. However, if they choose to disclose their identity, their details will be treated confidentially to the fullest extent possible in connection with the investigation, and their identity will not be disclosed unless:

- a) they consent in writing to the disclosure;
- b) the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);

- c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
- d) the disclosure is authorised under the *Corporations Act 2001* (Cth); and/or
- e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

It is illegal for a person to identify a Whistleblower, or disclose information that is likely to lead to the identification of the Whistleblower unless an exception above applies. If a Whistleblower believes that their confidentiality has been breached, they can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. Our organisation may also take disciplinary action against employees who breach the confidentiality of a Whistleblower, including summary dismissal.

4.0 WHISTLEBLOWER SUPPORT

Deaf Connect will support you and your immediate family members. You may access support in these ways:

- The Employee Assistance Program (EAP);
- Appointing an independent support person from the Management Team; or
- Third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636)
- Having a member of the management team to provide support will mean that the identity of the person implicated is disclosed to that management team member.

False reports or disclosures

Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

5.0 INVESTIGATION PROCEDURES

Upon receiving a disclosure under this Policy, within 14 days, Deaf Connect will endeavour to assess the disclosure to determine whether:

- It qualifies for protection; and
- A formal, in-depth investigation is required.
- Deaf Connect will endeavour provide the Discloser with regular updates.
- Deaf Connect may not be able to investigate a disclosure if it is unable to contact the Discloser.
- All investigations into Reportable Conduct will be undertaken in line with the [Workplace Investigations Procedure](#). Our organisation may use external parties, where required, to ensure the investigation is undertaken impartially, confidentially, and fairly.

6.0 SUPPORT FOR PERSONS IMPLICATED

If an employee or officer of our organisation is implicated in a report (that is, if they might have done something wrong or are accused of having done something wrong), they will not be disciplined or dismissed unless the accusation has been proven. They have a right to know what the accusation is and have an opportunity to respond and provide additional information. However, the Whistleblower's right to anonymity takes priority. During the investigation the person implicated may be stood down on full pay or given other duties. If the accusation is not proven, they will go back to their normal duties as soon as the investigation is finished.

Any disclosures that implicate an employee or officer must be kept confidential, even if the Whistleblower has consented to the disclosure of their identity and should only be disclosed to people who need to know the information in order to follow this Policy and procedure, e.g., to investigate.



Support available for persons implicated includes:

- The Employee Assistance Program (EAP);
- Appointing an independent support person from the Management Team; or
- Third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636)

Having a member of the management team to provide support will mean that the identity of the Whistleblower is disclosed to that management team member.

7.0 MONITORING, EVALUATION AND REVIEW

This Policy will be distributed and available to all current and former Staff and stakeholders via the website and intranet.

To ensure effective protection under the Policy, the organisation's governance team will monitor and review this Policy annually and refer to Board for approval if major changes are warranted.

Related Documents

- [Code of Conduct](#)
- [Workplace Investigations Procedure](#)

Relevant Forms / Documented Records

- Nil

Relevant Legislation / International, Commonwealth or State Standards

- [Corporations Act 2001](#) - Part 9.4AAA - Protection for Whistleblowers
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Insurance Act 1973
- Life Insurance Act 1995
- Public Interest Disclosure Act 2013
- Superannuation Industry (Supervision) Act 1993
- Taxation Administration Act 1953